WP(C) 2125/2000
BEFORE
THE HON'BLE MR JUSTICE D. BISWAS, CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY

This writ petition is directed against the order dated 1.10.1999 passed by the learned Central Administrative Tribunal, Guwahati Bench at Guwahati in Original Application No.280 of 1997 extending the benefit of Remote Locality Allowances to the original applicant.

We have heard Mr. H. Rahman, learned Assistant Solicitor General of India and also Mr. A. Ahmed, learned counsel appearing on behalf of the respondent.

During the course of hearing of the writ petition, the learned counsel for the parties have submitted that the matter in issue in O.A. Nos. 124/1995 and 125/1995 was taken to the Apex Court by way of Civil Appeals and a number of civil appeals have been disposed of the Apex Court vide order dated 17.2.1997 passed in Civil Appeal Nos.1572/1997 and batch and the issue involved in the present writ petition so also in O.A. No. 280 of 1997 is squarely covered by the said decision of the Apex Court wherein the Apex Court has held as under:-

As regards the payment of Special Duty Allowance to the defence civilian personnel deployed at the border area for support of operational requirement, they face the imminent hostilities supporting the army personnel deployed there. Necessarily, they alone require the double payment as ordered by the Government but they cannot be deprived of the same since they are facing imminent hostilities in hilly areas risking their lives as envisaged in the proceedings of the Army dated January 13, 1994. But the Modified Field Area, in other words, in the defence terminology, barracks in that area is a lesser risking area hence they shall not be entitled to double payment. Under these circumstances, Mr. P.P. Malhotra is right in saying that the wording of the order requires modification. The Government is directed to modify the order and issue the corrigendum accordingly.

In view of the aforesaid submission, the writ petition is disposed of with a direction to the petitioners to pay whatever is payable to the original applicant towards Remote Locality Allowances, on being ascertained and as admissible to them pursuant to the principles laid down by the Apex Court in the aforesaid judgment.